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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,182	11/10/2003	Stephen Moffatt	AM-3708.C1	4654
7590	12/01/2004		EXAMINER	
Patent Counsel Applied Materials, Inc. P.O. Box 450 A Santa Clara, CA 95052			SMITH, JOHNNIE L	
			ART UNIT	PAPER NUMBER
			2881	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/705,182	MOFFATT, STEPHEN <i>pw</i>	
	Examiner	Art Unit	
	Johnnie L Smith II	2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 August 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-8,10-20,22-26,28,29,31-36 and 38-40 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-8,10-20,22-26,28,29,31-36,38-40 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-8, 11-14, 17, 19, 23-26, 28-29, 31-36, 38-40 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5,452,177 (Frutiger). In reference to claims 1 and 36, Frutiger teaches a wafer holder for retaining a substrate within a processing chamber comprising: an electrode; and one or more layers covering a portion of the wafer holder in contact with the wafer where at least one of the layers is compliant, and an apparatus for handling a substrate for use in semiconductor processing comprising: a wafer holder; and one or more layers covering a portion of the wafer holder in contact with the wafer where at least one of the layers is compliant (column 4 lines 44-55).

3. In reference to claims 3-4, 6, and 37-40, Frutiger teaches a chuck wherein the compliant layer has a hardness between 25 and 100 Shore Hardness scale A; wherein the compliant layer is an insulator having a dielectric constant between 1

and 3; wherein the compliant layer can withstand 10% shear stress without exceeding the yield strength of the compliant layer material; and wherein the compliant layer comprises an insulative material (column 7 Lines 30-64).

4. In reference to claim 5, Frutiger teaches a chuck wherein the electrode comprises at least one conductive material selected from the group consisting of: copper, nickel, chromium, aluminum, iron, and mixtures or alloys thereof (column 9 lines 40-45). In reference to claim 7, Frutiger teaches a chuck wherein the compliant layer is between 1 and 3 μm thick.

5. In reference to claim 8, Frutiger teaches an apparatus for projecting patterned charged particles onto a substrate comprising: a processing chamber; a charged particle source for generating a charged particle beam that impinges on the substrate; and an electrostatic chuck comprising an electrode and one or more layers covering a portion of the wafer holder in contact with the wafer where at least one of the layers is compliant (column 4 lines 40-55).

6. In reference to claims 11, 12, and 14, Frutiger teaches an apparatus wherein the compliant layer has a hardness between 25 and 100 Shore Hardness scale A; wherein the compliant layer is an insulator having a dielectric constant between 1 and 3; wherein the compliant layer can withstand of 10% shear to stress without

exceeding the yield strength of the compliant layer material; and wherein the compliant layer comprises an insulative material (column 7 lines 30-64).

7. In reference to claim 13, Frutiger teaches an apparatus wherein the electrode is comprises an conductive material selected from the group consisting of copper, nickel, chromium, aluminum, iron, and mixtures or alloys thereof (column 9 lines 40-45). In reference to claim 17, Frutiger teaches an apparatus wherein the compliant layer is between 1 and 10 μm thick (column 7 line 56-column 8 line 12).

8. In reference to claim 19, Frutiger teaches a method for patterning a photoresist layer on a substrate comprising the steps of forming a photoresist layer on the substrate; positioning the substrate on an electrostatic chuck having one or more layers covering a portion of the wafer chuck in contact with the wafer where at least one of the layers is compliant; and exposing portions of the photoresist layer on the substrate to a charged particle beam (column 4 lines 40-55).

9. In reference to claims 23, and 28, Frutiger teaches a method of claim wherein the compliant layer has a hardness between 25 and 75 Shore Hardness scale A; wherein the compliant layer is an insulator having a dielectric constant between 1 and 3; and wherein the compliant layer comprises an insulative material (column 7 lines 30-64.

10. In reference to claim 29, Frutiger teaches a method for holding a wafer on a chuck having an electrode and one or more layers covering a portion of the wafer holder in contact with the wafer where at least one of the layers is compliant comprising the steps of placing the wafer on one of the layers of the chuck; and energizing the electrode (column 4 lines 40-67).

11. In reference to claims 31-32, and 34, Frutiger teaches a method wherein the compliant layer has a hardness between 25 and 100 Shore Hardness scale A; wherein the compliant layer is an insulator having a dielectric constant between 1 and 3; wherein the compliant layer can withstand 10% shear 15 stress without exceeding the yield strength of the compliant layer material; and wherein the compliant layer comprises an insulative material (column 7 lines 30-64).

12. In reference to claim 33, Frutiger teaches a method wherein the electrode comprises at least one conductive material selected from the group consisting of: copper, nickel, chromium, aluminum, iron, and mixtures or alloys thereof (column 9 lines 40-45). In reference to claim 35, Frutiger teaches a method wherein the compliant layer is between 1 and 10 μm thick (column 7 line 56-column 8 line 12).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 10, 15, 16, 18, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5,452,177 (Frutiger) in view of US patent 5,581,324 (Miyai et al). In reference to claims 10, 16, 18, and 20, Frutiger discussed above discloses all base elements upon which the claims depend, but failed to clearly teach an apparatus further comprising: a computer for calculating an estimated charged particle beam deflection to compensate for the actual deformation of the substrate caused by the exposure of the substrate to the charged

particle beam; a substrate temperature sensor for measuring the temperature of the substrate during processing and for sending a signal corresponding to the measured substrate temperature to the computer; and wherein localized heating of the substrate due to exposure to the charged beam is between 1 ° C and 50° C. Such limitations can be found in the teachings of Miyai et al (column 3 lines 5-65).

16. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Frutiger with the disclosure of Mayai for the purpose of calculating a thermal deformation amount of the pattern area when the pattern area thermally deforms upon absorption of the illumination light while a position, in the reference plane, of a predetermined reference point in the pattern area is fixed as taught in Mayai et al.

17. In reference to claims 15 and 22, Frutiger discussed above discloses all base elements upon which the claims depend, but failed to clearly teach an apparatus comprising: a lithography mask positioned between the charged particle source and the substrate; and an electron sensor disposed within the processing chamber for detecting backscattered electrons emanating from the substrate, and using a charged particle beam to scan a first mark on a photo lithography mask onto a second mark on said substrate; detecting backscattered electrons; determining the position of the substrate using the detected backscattered electrons; and deflecting

the charged particle beam in response to the measured position of the substrate. Such limitations can be found in the teachings of Miyai et al (figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Frutiger with the disclosure of Mayai so that the best imaging plane of the projection optical system can coincide with the wafer surface as taught in Mayai et al.

Response to Arguments

18. Applicant's arguments filed 08/20/2004 have been fully considered but they are not persuasive. In response to applicant's argument at that Frutiger apparatus is substantially different from that described by applicant, because the Frutiger apparatus is designed to accomplish functions and solve problems, which are not related to applicant's invention. It is a policy of the office, that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared

to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

19. Applicant further argues that Frutiger teaches a resilient layer whereas applicant presents a compliant layer. Applicant defines the said compliant layer as being in direct contact with the substrate and is sufficiently flexible to allow the substrate to deform without any relative movement between the substrate and compliant layer during lithography processing. Applicant also defines Frutiger's resilient layer as being such that the wires can be depressed into the layer and defines the term resilient as something, which springs back or rebounds. The examiner feels that applicant's definitions for the two layers are relatively the same. If a resilient layer, with respect to applicant's definition, is one that springs back or rebounds, then such a layer should be more than capable of being flexible.

20. In response to applicants argument that 'Miyai reference is concerned with a change in the projected image from a mask onto a substrate and that there is no mention of a stick-slip problem where a substrate changes position upon a substrate holder during imaging, because this is not a problem in the Miyai et al. Miyai is presented herein for the purpose of calculating a thermal deformation amount of the pattern area when the pattern area thermally deforms upon absorption of the illumination light while a position, in the reference plane, of a

predetermined reference point in the pattern area is fixed. Miyai also teaches a computer for calculating an estimated charged particle beam deflection to compensate for the actual deformation of the substrate caused by the exposure of the substrate to the charged particle beam; a substrate temperature sensor for measuring the temperature of the substrate during processing and for sending a signal corresponding to the measured substrate temperature to the computer and wherein localized heating of the substrate due to exposure to the charged beam is between 1 ° C and 50° C. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

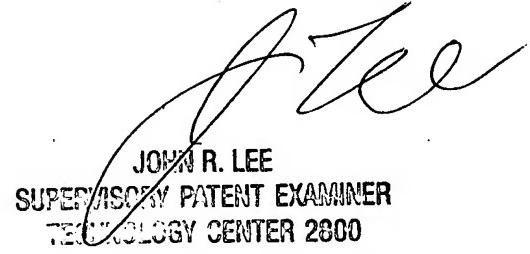
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnnie L Smith II whose telephone number is 571-272-2481. The examiner can normally be reached on Monday-Thursday 7-4 P.M. and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571-272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JLSII

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